



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3748-99

1 February 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that the reason for discharge be changed.

2. The Board, consisting of Mr. Ensley, Mr. Caron and Ms. Davies, reviewed Petitioner's allegations of error and injustice on 10 January 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 13 May 1996 at age 19. On 13 May 1997 a medical board diagnosed her with a major depressive disorder and a personality disorder. The medical board recommended that the case be referred to the Physical Evaluation Board (PEB). However, the command apparently decided to process her for separation based on the diagnosed personality disorder. On 24 June 1997 the convening authority requested withdrawal of the medical board because of the medical officer's recommendation for expeditious separation based on the diagnosed personality disorder. On 17 July 1997 the PEB found that she was unfit for duty due to major depressive disorder, rated at 0% and recommended that she be discharged with severance pay. However, she was honorably discharged on 31 July 1997 by reason of the diagnosed personality disorder.

d. On 6 October 1997 the President of the Physical Evaluation Board (PEB) sent a letter to the Bureau of Naval Personnel stating, in part, as follows:

(Regulations) provides guidance for cases that are being processed both in the disability evaluation system and for other administrative or punitive action. Only misconduct separation action, not administrative action for convenience of the government, takes precedence over disability proceedings. Subject member should not have been discharged for personality disorder prior to completion of processing within the disability system. .... (emphasis in the original).

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Given the comments of the President, Physical Evaluation Board the Board concludes that the discharge due to personality disorder was improper and should be changed to a discharge due to physical disability with severance pay as directed by the PEB.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 31 July 1997 she was honorably discharged by reason of physical disability pursuant to 10 U.S.C. 1203, with entitlement to severance pay for major depressive disorder rated at 0% under VA code 9434, vice the reason for discharge now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

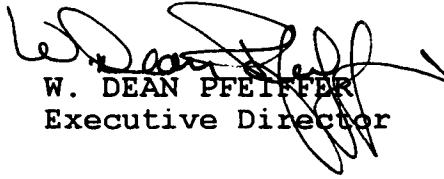
ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the

authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director